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April 4, 2019

VIA E-MAIL AND U.S. MAIL

Scott H. Zwillinger
Paul J. Vaporean
Goldman & Zwillinger PLLC
17851 N. 85th Street, Suite 175
Scottsdale, AZ 85255

**Re: Robert Cutler, personal representative of David Cutler v.
Rural/Metro Fire Dept. and Grant Reed, et al.
*Pima County Superior Court Case No. C20182621***

Dear Scott and Paul:

It is our understanding your Standard of Care expert, Dr. Donald Locasto, intends to offer opinions generally consistent with those contained in his preliminary expert affidavit. Namely, Dr. Locasto will express opinions regarding the standard of care for paramedics and emergency medical technicians and any breach of same. Based upon his CV, it appears Dr. Locasto is board-certified as an emergency room physician and in emergency medical services. It further appears he served at some point as a part-time instructor of medical students at the University of Cincinnati Medical School. From what's been disclosed, Dr. Locasto cannot qualify as an expert under A.R.S. 12-2604, which establishes the following minimum requirements:

2. During the year immediately preceding the occurrence giving rise to the lawsuit, devoted a majority of the person's professional time to either or both of the following:
 - (a) The active clinical practice of the same health profession as the defendant and, if the defendant is or claims to be a specialist, in the same specialty or claimed specialty.
 - (b) The instruction of students in an accredited health professional school or accredited residency or clinical research program in the same health

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profession as the defendant and, if the defendant is or claims to be a specialist, in an accredited health professional school or accredited residency or clinical research program in the same specialty or claimed specialty.

In this case, Dr. Locasto does not meet the requirements established by A.R.S. 12-2604(2)(a) as he is a practicing physician. Furthermore, Dr. Locasto does not meet the alternative requirements established by A.R.S. 12-2604(2)(b) as the University of Cincinnati Medical School, where Dr. Locasto apparently taught (and is no longer listed as a faculty member) does not offer any programs, degrees, or certificates for individuals training to be a paramedic or emergency medical technician. Additionally, Dr. Locasto's CV confirms he never held appointments at any accredited paramedic training programs in Ohio. Under Arizona law, Dr. Locasto does not meet the minimum threshold requirements as an expert regarding the applicable standard of care for Rural/Metro Fire and/or Grant Reed's conduct in their interaction, assessment, and treatment of Mr. Cutler.

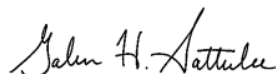
The case against Rural/Metro and Grant Reed lacks merit and a reasonable factual basis at this point. Dr. Locasto cannot render opinions relative to Rural/Metro and/or Grant Reed's alleged breach of the standard of care. Any lingering doubts regarding Plaintiff's case should be put to bed by the factual report of Dr. Ben Bobrow, Arizona Department of Health Services Medical Director. Dr. Bobrow's report went through the events leading up to, and including, Rural/Metro and Grant Reed's involvement in this case and confirmed the standard of care was met throughout.

In light of the foregoing, Rural/Metro and Grant Reed hereby request Plaintiff dismiss the case against them on or before April 17, 2019. Rural/Metro and Grant Reed will (reluctantly) agree to bear their own attorneys fees and costs in exchange for dismissal with prejudice. If Plaintiff elects to move forward, Rural/Metro and Grant Reed reserve their rights to seek all available remedies for pursuit of an unjustified action, Rule 11 violations, and Rule 37 disclosure and discovery abuses.

If you have any questions, please don't hesitate to contact me.

Sincerely,

LOWIS & GELLEN LLP



Galen H. Satterlee